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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	09/979,493
Applicant(s)	:	Sara Elizabeth Young
Filed	:	01 January, 2002
Title	:	Family Information Management System
TC/A.U.	:	2171
Examiner	:	Nguyen, Cam Linh T.
Conf. No.	:	5946
Docket No.	:	7611M
Customer No.	:	27752

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA   22313-1450

Dear Sir,

This Brief is filed pursuant to the appeal from the Final Office Action issued form the U.S. Patent and Trademark Office on April 6, 2005. A timely Notice of Appeal was filed on October 6, 2006.

REAL PARTY IN INTEREST

The real party in interest is The Procter & Gamble Company of Cincinnati, Ohio.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals, interferences, or judicial proceedings.

STATUS OF CLAIMS

Claims 1 to 37 are rejected.

Claims 1 to 37 are appealed.

A complete copy of the appealed claims is set forth in the Claims Appendix attached herein.

STATUS OF AMENDMENTS

No amendment was filed subsequent to the appealed-from Final Office Action of April 6, 2005.

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PAGE 2/20 * RCVD AT 5/8/2006 9:15:01 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/19 * DNIS:2738300 * CSID:5138305712 * DURATION (mm-ss):08-12

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 and the balance of the pending claims which depend therefrom relate to a family information management system (10) is disclosed as including a central control module (12) containing at least one family data file (44), a user interface system (14) for transferring information to and receiving information from the family data file (44) of the central control module (12), and at least one information source (30) connected to the central control module from which relevant family information is obtained. The relevant family information obtained from the information source is processed with information stored in the family data file of the central control module to create value-added family information which is accessible in the central control module through the user interface system. (page 1, Title; Page 2, Lines 15-page 3, Line 2; Page 6, Line 18-Page 9, line 4).

In family information management system (10) central control module retrieves said relevant family information from said information source, and/or accesses said relevant family information from said information source. The relevant family information may be sent to said central control module by said information source, obtained by said central control module upon request of a member of said family, obtained by said central control module upon recognition of a predetermined event, obtained by said central control module at a predetermined time interval; obtained by said central control module according to a predetermined time schedule; obtained by said central control module according to family activity data within said system; and/or determined according to specified information in said family data file (Page 7, Lines 10-19).

The central control module (12) of the family information management system (10) may additionally comprise a data storage (84, 86, 92) device in which said family data file is stored (page 13, line 2-page 14, line 3); a voice recognition system (94) (page 13, line 2-page 14, line 3), means for providing messaging to users of said system (page 15, lines 11-19), and/or means for providing a reminder function to users of said system (page 15, lines 11-19). The information source of the family information management system may be internal or external to the system (Page 15, line 18- page 16, line 9; page 20, lines 1-8).

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Claim 17 and the balance of the pending claims which depend therefrom relate to a method for managing information within members of a family comprising the steps of storing user information in at least one family data file contained within a central control module; obtaining relevant family information from at least one information source; processing said relevant family information with information in said family data file to create value-added family information; and, providing access to said value-added family information via a user interface system connected to said central control module (Page 2, Lines 15-page 3, Line 2; Page 6, Line 18-Page 9, line 4).

The method may optionally comprise the step of determining said relevant family information according to specified information in the family data file. The method may further optionally include obtaining the relevant family information from at least one information source; accessing said relevant family information from said information source; receiving said relevant family information initiated by and sent from said information source; at the request of a member of said family; at the initiation of the central control module upon recognition of a predetermined event; at the initiation of the central control module upon recognition of a predetermined time interval; and/or at the initiation of the central control module upon recognition of a predetermined time schedule. The method may further comprise the step of forwarding the value-added family information to designated family members in a timely and synchronized manner (Page 7, Lines 10-19; page 13, line 2-page 14, line 3; page 15, lines 11-19; page 15, line 18- page 16, line 9; and page 20, lines 1-8).

Claim 27 relates to a method for enhancing use of a family information management system including a central control module (12) with at least one family profile stored therein. The method comprises the steps of obtaining a family profile stored in the central control module; accessing the family information system for the retrieval of family activity data stored in the central control module; and, analyzing the family activity data to improve the services and products provided to the users of said family information management system.

Claim 28 and the balance of the pending claims which depend therefrom relates to a method for developing consumer understanding of information relating to family lifestyles, where the method comprises the steps of providing a family information management system including a central control module with at least one family profile stored therein; obtaining said

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family profiles stored in said central control module; accessing said family information system for the retrieval of family activity data stored in the central control module; and, analyzing said family activity data to improve the services and products provided to the users of said family information management system (Page 3, lines 12-19; Page 34, line 3- Page 36, Line 5).

The method may further comprise the steps of generating family activity data from information stored in the family data file and communication between users of said family information management system; surveying family members through said central control module for the generation of family activity data; suggesting products and services in said central control module based upon analyzed family activity data; and/or suggesting communication with other families based on similar family activity data. Additionally, the central control module may be accessible via an Internet connection (Page 34, line 3- Page 36, Line 5).

Claim 34 and the balance of the pending claims which depend therefrom relate to a computer assisted integrated family information management system (10), comprising a central control module (12) including at least one family data file for storage of information relating to members of a family and a user interface system for transferring information to and receiving information from the family data file of central control module (12), where the user interface system operates in a voice mode from a remote location. Information entered into central control module (12) from the user interface system is converted from voice information to text information and information received by the user interface system from central control module (12) is converted from text information to voice information (page 4, lines 9-21).

The family information management system may further comprise at least one information source connected to central control module (12) from which relevant family information is obtained for storage in the family data file, and wherein the relevant family information obtained from the information source is processed with information in the family data file to create value-added family information accessible via central control module (12).

Claim 36 and the balance of the pending claims which depend therefrom relate to a method of managing information within members of a family comprising the steps of providing a central control module (12) including at least one family data file for storage of information relating to members of a family; accessing said central control module via a user interface system operating in a voice mode; providing information verbally to said central control module from a remote location; converting said verbal information into text information; and, enabling said family members to access said text information in said central control module. The method may further comprise the step of converting text information in the central control module (12) to voice information for receipt by the user interface system (page 5, lines 1-9).

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-5, 11, 15-22, and 27-33 have been rejected under 35 USC §103(a) as being unpatentable over the Family Tree House website in view of Adler et al (U.S. 6,675,356). Claims 6-10, 12-14, 23-26, and 34-37 have been rejected under 35 USC §103(a) as being unpatentable over the Family Tree House website in view of Adler et al (U.S. 6,675,356) in further view of Tuzhilin et al (U.S. 6,236,978).

ARGUMENTS

Claims 1-5, 11, 15-22, and 27-33 have been rejected under 35 USC §103(a) as being unpatentable over the Family Tree House website in view of Adler et al (U.S. 6,675,356). Claims 6-10, 12-14, 23-26, and 34-37 have been rejected under 35 USC §103(a) as being unpatentable over the Family Tree House website in view of Adler et al (U.S. 6,675,356) in further view of Tuzhilin et al (U.S. 6,236,978). These rejections are hereby respectfully traversed as the combination of the Family Tree House website and Adler et al references, and the Family Tree House website, Adler et al and Tuzhilin et al references, do not establish a *prima facie* case of obviousness.

The Family Tree House website, as best as can be determined from the provided print-outs of the website, discloses a website that allows a registered user to input predefined and structured genealogical relationships, and then display and/or disseminate via user inputted e-mail addresses that same structured relationship graphically, using HTML code. The Adler et al reference discloses a system for managing, with user guidance and input, calendar information obtained from a variety of sources. The Tuzhilin et al reference discloses systems and methods for generating user profiles.

I.   The cited reference combinations of Family Tree House website in view of Adler et al (U.S. 6,675,356) does not disclose each and every element of Applicant's presently claimed invention.

As is fundamental, a *prima facie* case of obviousness must be based on facts, "cold hard facts." *In re Freed*, 165 USPQ 570, 571-72 (C.C.P.A. 1970). When the rejection is not

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supported by facts, it cannot stand. *Ex parte Saceman*, 27 USPQ2d 1472, 1474 (B.P.A.I. 1993). Moreover, as is clearly required by law, to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

The Office Action asserts that the Family Tree House web site teaches "a method assisted integrated family information management system" that comprises: a "central module containing at least one data file;" a "one family data file;" a "user interface system;" "at least one information source connected to said central control module;" and "relevant family information obtained from said information source.". (*Office Action dated 06 April, 2005, Pages 2-3*). The Office Action acknowledges, however, that with respect to the reference combination of Family Tree House and Adler that the presently claimed invention differs from the cited reference(s) in that "the Family Tree House reference does not clearly disclose a 'module' or the specific structural system to carry out the disclosed system." (*Office Action dated 06 April, 2005, Page 3.*). The Office Action further acknowledges that with respect to the reference combination of Family Tree House and Adler, that the presently claimed invention differs from the cited references in that the combination "does not clearly disclose that relevant information is obtained upon recognition of a predetermined event, a predetermined time interval, a predetermined time schedule." (*Id., Page 5.*).

To fill the acknowledged gaps, the Office Action relies upon the assumption that "one of ordinary skill in the art would have recognized that some physical system must be implemented in the Family Tree House reference," and "it would have been obvious to one with ordinary skill in the art at the time the invention was made to implement Alder's system in carrying out the Family Tree House method." (*Id., Page* 4). The Office Action then concludes that "it would have been obvious to install the Family Tree House software on the Adler system," (*Id.*), though it does not provide a motivation to do so, or any statutory prior art that such a combination would result in Applicants' presently claimed invention.

As can best be understood from the web pages provided by the Examiner the Family Tree House website simply allows a registered user to input predefined and structured genealogical relationships, and then display and/or disseminate via user inputted e-mail addresses that same structured relationship graphically, using HTML code. In contrast, Applicant's present invention is directed towards a family information management system that provides a computer assisted method for enabling family members to continuously maintain contact, while also receiving helpful and necessary information regarding a family's daily activities (Specification, Page 9,

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Line 18 – Page 10, Line 1). Value-added family information is developed in Applicant's present invention by the central control module from multiple information sources that are connected and/or integrated to the central control module (Specification, Page 8, Lines 16-21).

In further contrast, the Family Tree House site only contains limited information on specific familial relationships (e.g., names and dates of birth/death of parents and children), and does not contain any information at all on a family's daily activities, preferences, or schedules. Moreover, as best as can be determined, the Family Tree House application does not have any access to any information sources other than user inputted familial relationship that may be used to develop and communicate value added family information in the manner of the present invention. The Examiner states that Pages 10-12 of the office action dated 26 August, 2004 provides suitable examples of information sources connected to the central control module. However, the Applicant respectfully asserts that the Examiner's interpretation is in error. The "plurality of sources" the Examiner cites (e.g., Census Bureau and CZECH Information Center) are not connected to the central control module in the manner defined in Applicant's present invention. Rather, these databases are separate and distinct from any available to the Family Tree House application and require the user to manually search, identify, record, and transfer any data from such a database back to Family Tree House application. Moreover, such databases only contain similar or identical information as to that which was inputted by the user in the Family Tree House application, and would not generate the value added family information contemplated in Applicant's present invention.

II.   **The cited reference combinations of Family Tree House website in view of Adler et al (U.S. 6,675,356) does not disclose or suggest a motivation to be combined to obtain Applicant's presently claimed invention.**

As is well settled, an Examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would *impel* one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 USPQ2d 1300, 1301-02 (BPAI 1993). The rejection fails to provide any reason why one would be motivated, let alone impelled, to combine the Family Tree House website and Adler references in the manner suggested by the Examiner. Thus, the rejection fails to set forth the required facts and reasoning required to support a *prima facie* case of obviousness. For this additional reason the rejection should be withdrawn.

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The rejection also posits that one "would have been motivated to employ the process of Family Tree House in combination with the systems of either Adler, with the expectation of obtaining the desired product." (Office Action dated 06 April, 2005 at Page 4). The rejection, however, fails to provide any statutory prior art to support that conclusion. And, instead characterizes the only difference between the claims and the reference combination as mere "obvious modification." (*Id.*)

As detailed herein, the Family Tree House website reference discloses an on-line application that allows a registered user to input predefined and structured genealogical relationships (e.g., Spouse-Spouse or Parent-Child), and then display and/or disseminate via user inputted e-mail addresses that same limited, structured relationship graphically; the Adler et al reference discloses a system for managing, with user guidance and input, calendar information obtained from a variety of sources; and the Tuzhilin et al reference (6,236,978) discloses systems and methods for generating user profiles. Nowhere in the cited web site or other references provided by the Examiner can Applicant find any indication that the Family Tree House application could be modified and/or combined with any other application or technology to produce Applicant's present invention of a family information management system as is required to show a *prima facie* case of obviousness (MPEP 2142).

As is well settled, an Examiner's belief or conjecture is no substitute for statutory prior art. *In re Kratz*, 201 USPQ 71, 76 (CCPA 1979) *citing, In re Antonie*, 195 USPQ 6 (CCPA 1977). ("We have previously rejected the argument that undirected skill of one in the pertinent art is an adequate substitute for statutory prior art."). Because the rejection has substituted conjecture as to what one skilled in the art would believe for the required statutory reference, for this additional reason the rejection should be withdrawn.

In addition, the Examiner's argument that subject matter which may admittedly not be disclosed by the Family Tree House website or the Adler or Tuzhilin references, would still be obvious, also is contrary to the law. As is now well settled, obviousness *cannot* be based on the unknown. *In re Ochia*, 37 USPQ2d 1127, 1131 (Fed. Cir. 1995).

A *prima facie* case of obviousness, however, requires that the rejection describe with specificity why one skilled in the art would have combined two references to arrive at the claimed invention. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (CAFC 1999). ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of *the requirement for a showing of the teaching or motivation to combine prior art references*."). In the present case, no such explanation is found in the rejection.

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Thus, the rejection is not supported by the kind of specificity required to sustain a conclusion of obviousness. *Ex parte Humphreys*, 24 USPQ 2d 1255, 1262 (BPAI 1992). ("The Examiner's rejection is not specific as to how one of ordinary skill in the art would have found it (the claimed invention) obvious ...."). For this reason alone, the rejection should be withdrawn.

Obviousness, however, cannot be based upon speculation. Nor can obviousness be based upon possibilities or probabilities. Obviousness *must* be based upon facts, "cold hard facts." *In re Freed*, 165 USPQ 570, 571-72 (CCPA 1970). When a conclusion of obviousness is not based upon facts, it cannot stand. *Ex parte Saceman*, 27 USPQ2d 1472, 1474 (BPAI 1993).

Moreover, whether or not the Family Tree House website and Adler are non-analogous arts, it remains that the question of "non-analogous art" is relevant to whether it would be proper to combine references. *In re Clay*, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992). That is, even when references are in related arts, the Examiner still has the burden of establishing (1) that there is suggestion or motivation to combine the references relied upon, and (2) that the references, when so combined, contain the requisite suggestion and motivation which would have led one to combine the particular disclosure relied upon and to make a composition as claimed. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Here, the Examiner has not provided *any* reason for *why* one would have picked the specific system of Adler et al., to the exclusion of any other system.

The Examiner was required to demonstrate *where* in the Family Tree House website or Adler or Tuzhilin, there is a suggestion which would have "strongly motivated" one to make family management system as claimed. *Ex parte Graselli*, 231 USPQ 393, 394 (Bd. App. 1986). The type of motivation which would have "*impelled*" one to do so (*Ex parte Levengood*, 28 USPQ2d 1300, 1301-02 (BPAI 1993)), and the type of suggestion that the changes "*should*" be made. *Ex parte Markowitz*, 143 USPQ 303, 305 (Bd. App. 1964).

Because the rejection has not identified *any* suggestion, reason, or other motivation, including suggestion of desirability, for *why* one would have been led to pick

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the genealogy website relied upon by the rejection, and include it in a family information

management system as claimed, the rejection should be withdrawn.

Moreover, should the Examiner provide such a showing in accordance with MPEP § 2144.03 and 37 CFR 1.104(d)(2) as has been requested, the rejection over Family Tree House in view of Adler et al. would still be deficient because the Examiner's "obvious to use" argument employs the wrong legal standard. *In re Antonie*, 195 USPQ 6, 8 (CCPA 1977). "Obvious to use" *disregards* the invention as a whole, and "obvious to use" does *not* release the Examiner from the burden of establishing *all* of the elements required to make out a *prima facie* case of obviousness for each claim.

SUMMARY

In view of all of the above, it is respectfully submitted that Claims 1-37 were not properly rejected under 35 U.S.C. §103 in the Final Office Action. In light of the analysis and discussion presented above, Appellant respectfully requests that Honorable Board of Patent Appeals and Interferences reverse the rejections of Claims 1-37 and remand the applications with instructions that the claims be allowed over the cited art.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY

_____
Signature

_____
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Date: May 8, 2006

Customer No. 27752

(AppealBrief.doc)
Revised 11/18/2005

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CLAIMS APPENDIX

1. (Original)   A computer assisted integrated family information management system, comprising:

      (a) a central control module containing at least one family data file;

      (b) a user interface system for transferring information to and receiving information from said family data file of said central control module; and,

      (c) at least one information source connected to said central control module from which relevant family information is obtained;

wherein relevant family information obtained from said information source is processed with information stored in said family data file to create value-added family information which is accessible in said central control module through said user interface system.

2. (Original)   The family information management system of claim 1, wherein said central control module retrieves said relevant family information from said information source.

3. (Original)   The family information management system of claim 1, wherein said central control module accesses said relevant family information from said information source.

4. (Original)   The family information management system of claim 1, wherein said relevant family information is sent to said central control module by said information source.

5. (Original)   The family information management system of claim 1, wherein said relevant family information is obtained by said central control module upon request of a member of said family.

6. (Original)   The family information management system of claim 1, wherein said relevant family information is obtained by said central control module upon recognition of a predetermined event.

7. (Original)   The family information management system of claim 1, wherein said relevant family information is obtained by said central control module at a predetermined time interval.

8. (Original)   The family information management system of claim 1, wherein said relevant family information is obtained by said central control module according to a predetermined time

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schedule.

9. (Original)   The family information management system of claim 1, wherein said relevant family information is obtained by said central control module according to family activity data within said system.

10. (Original)   The family information management system of claim 1, wherein said relevant family information is determined according to specified information in said family data file.

11. (Original)   The family information management system of claim 1, said central control module further comprising a data storage device in which said family data file is stored.

12. (Original)   The family information management system of claim 1, said central control module further comprising a voice recognition system.

13. (Original)   The family information management system of claim 1, said central control module further comprising means for providing messaging to users of said system.

14. (Original)   The family information management system of claim 1, said central control module further comprising means for providing a reminder function to users of said system.

15. (Original)   The family information management system of claim 1, wherein said information source is internal to said system.

16. (Original)   The family information management system of claim 1, wherein said information source is external to said system.

17. (Original)   A method of managing information within members of a family, comprising the following steps:

    (a) storing user information in at least one family data file contained within a central control module;

    (b) obtaining relevant family information from at least one information source;

    (c) processing said relevant family information with information in said family data file to create value-added family information; and,

    (d) providing access to said value-added family information via a user interface system connected to said central control module.

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18. (Original)   The method of claim 17, further comprising the step of determining said relevant family information according to specified information in said family data file.

19. (Original)   The method of claim 17, said obtaining step further comprising retrieving said relevant family information from said information source.

20. (Original)   The method of claim 17, said obtaining step further comprising accessing said relevant family information from said information source.

21. (Original)   The method of claim 17, said obtaining step further comprising receiving said relevant family information initiated by and sent from said information source.

22. (Original)   The method of claim 17, said obtaining step being initiated by a request of a member of said family.

23. (Original)   The method of claim 17, said obtaining step being initiated by said central control module upon recognition of a predetermined event.

24. (Original)   The method of claim 17, said obtaining step being initiated by said central control module at a predetermined time interval.

25. (Original)   The method of claim 17, said obtaining step being initiated by said central control module according to a predetermined time schedule.

26. (Original)   The method of claim 17, further comprising the step of forwarding said value-added family information to designated family members in a timely and synchronized manner.

27. (Original)   A method for enhancing use of a family information management system including a central control module with at least one family profile stored therein, comprising the following steps:
   (a) obtaining each said family profile stored in said central control module;
   (b) accessing said family information system for the retrieval of family activity data stored in said central control module; and,
   (c) analyzing said family activity data to improve the services and products provided to

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the users of said family information management system.

28. (Original)   A method for developing consumer understanding information relating to family lifestyles, comprising the following steps:

(a) providing a family information management system including a central control module with at least one family profile stored therein;

(b) obtaining said family profiles stored in said central control module;

(c) accessing said family information system for the retrieval of family activity data stored in said central control module; and,

(d) analyzing said family activity data to improve the services and products provided to the users of said family information management system.

29. (Original)   The method of claim 28, further comprising the step of generating said family activity data from information stored in said family data file and communication between users of said family information management system.

30. (Original)   The method of claim 28, said central control module being accessible via an Internet connection.

31. (Original)   The method of claim 28, further comprising the step of surveying family members through said central control module for the generation of family activity data.

32. (Original)   The method of claim 28, further comprising the step of suggesting products and services in said central control module based upon analyzed family activity data.

33. (Original)   The method of claim 28, further comprising the step of suggesting communication with other families based on similar family activity data.

34. (Original)   A computer assisted integrated family information management system, comprising:

(a) a central control module including at least one family data file for storage of information relating to members of a family;

(b) a user interface system for transferring information to and receiving information from said family data file of said central control module, said user interface system operating in a voice mode from a remote location;

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wherein information entered into said central control module from said user interface system is converted from voice information to text information and information received by said user interface system from said central control module is converted from text information to voice information.

35. (Original)   The family information management system of claim 34, further comprising at least one information source connected to said central control module from which relevant family information is obtained for storage in said family data file, wherein said relevant family information obtained from said information source is processed with information in said family data file to create value-added family information accessible via said central control module.

36. (Original)   A method of managing information within members of a family, comprising the following steps:

(a) providing a central control module including at least one family data file for storage of information relating to members of a family;

(b) accessing said central control module via a user interface system operating in a voice mode;

(c) providing information verbally to said central control module from a remote location;

(d) converting said verbal information into text information; and,

(e) enabling said family members to access said text information in said central control module.

37. (Original)   The method of claim 36, further comprising the step of converting text information in said central control module to voice information for receipt by said user interface system.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.

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